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# THE ARIZONA REPUBLIC

WEDNESDAY • NOVEMBER 12, 2003 azcentral.com 50 CENTS


## Today's quick read

**Editor's Note:** To help busy readers get the important news and information they need before they rush out the door during the workweek, we introduce this daily briefing. It is organized to quickly give you an overview of relevant information and will appear in this spot Monday through Friday.

### Your world

*A quick summary of today's most important news stories:*

#### Nation & World

**Comedian Art Carney dies at 85:** Jackie Gleason's sewer worker pal, "Ed Norton" (left), in the TV classic *The Honeymooners* went on to win the 1974 Oscar for best actor in *Harry and Tonto*. **A8.**

**Panel to survey bishops on sex abuse:** Top U.S. Roman Catholic officials warn the study's results will "add to our own sorrow." **A3.**

**Top official leaves Iraq suddenly:** L. Paul Bremer's trip to Washington comes as Iraqi insurgents step up attacks and as leaders struggle over a new constitution. **A20.**

**U.N. objects to Israel's security barrier:** The planned boundary barrier would disrupt the lives of hundreds of thousands of Palestinians, a report says. **A16.**

**U.S.-Mexican officials to discuss border:** Security, not immigration, will dominate the agenda in Washington talks. **A14.**

#### Local & State

**Recommendations tread lightly on income tax:** The Citizens Finance Review Commission puts aside calls from social service and education groups to rid the code of popular private and public school tax credits. **B1.**

**Westward Ho tunnel likely was air duct:** Engineers deflate tales of bootleggers and fugitives seeking refuge under Central Avenue. **B1.**

**PTA seeks wider diversity:** The National Parent Teacher Association is starting a campaign nationally to recruit more Hispanic members. **Education page, B3.**

**Today's editorial:** Operation ICE Storm has the potential to cool off the rise of violence across the Valley as immigrant smugglers battle over their human cargo. But enforcement can't do the whole job. **Editorial, B10.**

#### Business

**New swindle involves power wheelchairs:** A growing Medicare scam is using pressure tactics and flat-out fraud, harming taxpayers. **D1.**

**'Real muscle' seen in economic recovery:** Treasury Secretary John W. Snow, during a stop in Phoenix, says new motion likely will translate into job gains. **D1.**

#### Sports

**Suns center put team first:** Jake Voskuhl (left) offered to demote himself from the starting lineup after the team traded for Jahidi White. **C1.**

**Coyote defenseman now goal-oriented:** Whenever Radoslav Suchy used to get attention, it was for his steady defense. This year, he's second in the NHL among defensemen, with four goals. **C9.**

### Your life

*A quick summary of information to help you through the day.*

#### Science & Health

**Public-access defibrillators save lives:** The first major test of the medical devices found that training ordinary people to use them can double the chances of surviving cardiac arrest. **A12.**

**Pain costs United States more than $61 billion a year:** Lost productivity is blamed on headaches, back pain, arthritis and other muscle and joint pain. **A12.**

#### Commuting

**Freeways may be backed up:** Overnight rain could complicate ongoing concrete pouring on Arizona 51 and Interstate 10, leading to jams this morning. **Local, B1.**

#### Jobs & Economy

**Younger people are becoming real estate agents:** The hot real estate market is attracting career seekers in their 20s. **Business, D4.**

#### Convenience

**Turn to takeout for Thanksgiving:** An increasing number of restaurants, from high-end Vincent's on Camelback to faster-food chains such as Boston Market, offer turkey and trimmings to go. **Food & Drink, FD1.**

#### Weather

**Showers:** Rain is expected throughout the day today. High 65. Low 54. **B12.**

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**Classified:** Looking for a great deal? Find it inside Republic Classified, **CL1**, behind the **Arizona Living** section.


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FRIENDSHIP AMID WAR

Associated Press

**Army Spc. Lori Piestewa (left) became best friends with Pfc. Jessica Lynch. Piestewa died in Iraq; Lynch became a POW and was rescued.**

# Piestewa went to war for Lynch

## Book tells of soldiers' days in Iraq

By Mark Shaffer
Republic Flagstaff Bureau

Lori Piestewa had medical clearance to stay home from Iraq because of a shoulder injury but chose to deploy because of her deep friendship with rescued POW Pfc. Jessica Lynch, according to a book about Lynch released Tuesday.

In the book, *I Am a Soldier, Too: The Jessica Lynch Story*, she also describes how Army Spc. Piestewa, the only Native American woman to die in combat on foreign soil, tried to drive a Humvee through a combat zone in the southern Iraqi city of Nasiriyah. The book was written by former *New York Times* reporter Rick Bragg.

The 507th Maintenance Company, which had taken a wrong turn into Nasiriyah during the wee hours of March 23, was ambushed by the enemy and cut into three sections. Piestewa and Lynch were in the back of the column amid slow, and some disabled, heavy trucks.

Lynch said that Piestewa was "grim, focused, almost calm" as panic broke out inside the Humvee. As Piestewa maneuvered around firing Iraqi soldiers, debris and dead vehicles, Lynch said, every munition round seemed to miss or fall off after striking the vehicle.

"Jessi remembers looking at her best friend and thinking how wrong it was that Lori was there, in a place where bullets flew past her head," Bragg wrote. "She swore that she could see it, could see one round fly past her friend's helmet and clean through the Humvee."

Left to her own designs, Piestewa could have made it out of the combat zone, Lynch believes.

"(But they were ordered to drive) through the chaos of the battle, even as they came apart and the soldiers were killed. Once, twice, Piestewa circled around to crippled vehicles so that they could try to give aid or just give orders, but it was hopeless," Bragg wrote.

The end came when the Humvee


See **WAR** Page A4


azcentral.com

See video of interviews with Lori Piestewa's family and read excerpts of Jessica Lynch's book, at **azcentral.com.**

# Jurors dish out death in Arizona

## Sentencing rate up since judges lost say

By Jim Walsh
The Arizona Republic

Arizona juries are marching defendants to death row at a much faster pace than the judges they replaced a year ago, when the U.S. Supreme Court overturned the state's death-penalty sentencing method.

Seven out of eight Maricopa County defendants sentenced by juries rather than judges have received the death penalty, including all four sentenced at the county's Mesa courthouse.

Statewide, jurors have doled out the death penalty 10 times. Only four defendants have avoided death sentences and a fifth is awaiting resentencing after Pinal County jurors deadlocked on the death penalty. One of the 10 who was sentenced to die had the sentence overturned by a Pima County judge because of jury misconduct.

Defense and prosecuting attorneys caution that the number of defendants sentenced under the new law is too small to make sweeping conclusions, but they agree there is a preliminary trend toward death sentences that began in November 2002 when Mohave County ju-


See **JURIES** Page A2


# Will Arizona's economy grow votes for Bush?

By Dawn Gilbertson
The Arizona Republic

One year before voters will decide if George W. Bush stays in the White House, the Arizona economy is showing a steady pulse.

But it's too early to say whether a stronger economy will persuade Arizona voters to cast their ballots for President Bush in 2004.

**Inside**

■ Stronger recovery key to staying in office. **D1.**

Although many voters say the economy is important to them, other factors, including the rebuilding of Iraq and the war on terrorism, will affect their votes. So will the Democrats' choice of a nominee; former Vermont Gov. Howard Dean leads that still-crowded field.

Usually, a strong economy is thought to work in favor of the incumbent, while poor economic times favor the challenger.

In Arizona, the economy appears to be trending in Bush's favor.


See **ECONOMY** Page A6


# Trump envisions Phoenix oasis

## Wants condos, hotel, retail near 24th St., Camelback

By Glen Creno
and Catherine Burrough
The Arizona Republic

Swaggering New York real estate mogul Donald Trump wants to stamp his name near Phoenix's most swanky intersection with a glitzy hotel and luxury condos.

The Trump Organization and Bayrock Group are angling to snare a nearly vacant shopping center just east of the Camelback Esplanade at 24th Street and Camelback Road. The two groups are planning a development called Trump Plaza, consisting of about 100 luxury condominiums; a Trump International Hotel and Towers described as a five-star property with a spa and two "world-class" restaurants; and 50,000 square feet of high-ticket retail, all surrounded by an "exquisite park and gardens."

"This site could be one of the most choice pieces of real estate in the West," said Jody Kriss, director of finance for the international real estate group Bay-group.

The deal is no slam-dunk. It must be approved in U.S. Bankruptcy Court, the city must sign off on height variances and the area's notoriously vigilant homeowners may have objections.

The nearly vacant shopping center, called Camelback Plaza, once housed the Hard Rock Cafe but fell into bankruptcy.

That contrasts with the nearby Esplanade office complex, the Ritz-Carlton hotel and the new Esplanade Place condos.

**A Trump Plaza in Phoenix?**
Donald Trump, along with real estate group Bayrock, is trying to buy control of a prime spot along Phoenix's hopping Camelback Corridor. Plans call for a high-rise hotel and luxury condos.

James Abundis/The Arizona Republic


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## THE VALLEY'S NEWS SOURCE

**The Arizona Republic, 12 News** and **azcentral.com** often collaborate on news-gathering efforts to increase the value of news and information in print, on TV and online.

In today's *Republic*, 12 News contributed to the reporting of the following story:

■ New York real estate mogul Donald Trump wants to build luxury condos and a fancy hotel near one of the priciest intersections in Phoenix, on **Page A1.**

## ON TELEVISION

**CONVICT ON THE LINE:** When you phone one state agency, you may be talking to a felon inside a state prison. What happens to your personal information?

**TONIGHT AT 10 P.M.**

**CAR THEFT:** The new way car thieves are ripping you off and what you can do to protect yourself.

**TONIGHT AT 6 P.M.**

**THE ARIZONA REPUBLIC**

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## ALMANAC

### PRAYER

Lord, remind us to use to the utmost the gifts you have given us. Amen.

### THOUGHT OF THE DAY

"Private opinion creates public opinion. ... That is why private opinion and private behavior and private conversation are so terrifyingly important." — Jan Struther (nee Joyce Anstruther), English poet (1901-53).

### TODAY'S CHUCKLE

Counterfeiters are always trying to pass the buck.

### CLOCKS & COUNTERS

**83 years ago:** In 1920, baseball got its first "czar" as Judge Kenesaw Mountain Landis was elected commissioner of the American and National leagues.

**55 years ago:** In 1948, former Japanese Premier Hideki Tojo and several other World War II Japanese leaders were sentenced to death by a war crimes tribunal.

## CORRECTIONS

■ The wrong day's local calendar appeared on Page C2 of sports in Tuesday's editions.

■ A health benefits story on Page A1 on Nov. 2 gave incorrect information on Wal-Mart. Employees with families can buy insurance for as low as $66.25 every biweekly pay period.

The Arizona Republic corrects errors fully and promptly. To report an error in the news columns, phone the Republic at 602.444.NEWS. To report an error on the Opinions pages, phone the Editor of the Editorial Pages Ken Western at 602.444.8499. Or send a message to Correction@arizonarepublic.com.

# JURIES Death penalty rate rises

From Page A1

rors ordered Frank Anderson's execution.

Prosecutors say jurors are doing their job and applying the law conscientiously. Defense attorneys are alarmed at the emerging trend but predict it will be reversed when lawyers and judges become more experienced with jury sentencing.

"Once the lawyers have a case or two under their belts, the trend is going to switch," said Dale Baich, a federal public defender who specializes in death penalty appeals. "I think probably for the next year or two, the juries will come back with death more than life."

Deputy Public Defender Gary Bevilacqua, who has won the only life sentence in Maricopa County under the new law, hopes Baich is right.

"Either we're not doing our job right or we're not getting the time to do our job right," Bevilacqua said. "We're getting cases where people are sentenced to death when they shouldn't be."

Defense attorney Greg Parzych said Arizona attorneys and judges are still "feeling their way through the system."

Although defense attorneys are doing their best, "we're in a learning curve," he said.

"It's unfortunate for the people we're representing right now," Parzych said.

Before the law was changed, Maricopa County judges handed down death sentences in 11 out of 75 (14.7 percent) first-degree murder cases from 1995 to 1999, according to state Capitol Case Commission statistics. Statewide, judges issued death sentences in 29 out of 143 (20.3 percent) cases.

Bevilacqua said some judges are not giving lawyers adequate time for jury selection, which should include individual questioning of prospective jurors.

"If you don't question jurors adequately, you're going to get more jurors who lean toward death," he said. "It's a conservative state."

Judge Eileen Willett gave Bevilacqua three weeks for jury selection in the sentencing of Pablo Arciniega Martinez, 29, who received life in prison without the possibility of parole.

"This change in the law was encouraged by the defense Bar," said Barnett Lotstein, special assistant county attorney. "Beware of what you ask for."

In the case of Timothy Ring, who was convicted of the 1994 murder of an armored-truck driver, the Supreme Court agreed with the defense that having Arizona judges decide the "aggravating" factors that qualify defendants for the death penalty violates the constitutional right to a fair trial.

The Legislature went a step further by having jurors decide aggravating factors and then make the judgment on death vs. life sentences.

"This is like buyer's remorse for the defense," Lotstein said. "We believe that justice is being served. Juries are imposing the death penalty when it is appropriate."

azcentral.com

Who are the condemned inmates in Arizona, and what crimes did they commit? Read about them at **deathrow.azcentral.com.**

But Baich said defense attorneys never asked for juries to make the final call on death sentences.

Paul McMurdie, division chief of the county attorney's appeals and research unit, said most prosecutors believed the judiciary was biased against the death penalty before the law was revised.

Although it may take up to 100 cases to establish a statistically reliable trend, "I think you're going to see a significantly higher number of death sentences out of Maricopa County," he said.

Rick Unklesbay, chief criminal Pima County attorney, said Tucson juries seem far more reluctant to impose death.

Pima County jurors cited Frankie Rodriguez's mental illness in April when they rejected the death penalty. He had been convicted of killing a nurse and a young man in unrelated carjackings, he said.

In contrast to Rodriguez's sentence, jurors in Mesa rejected disputed evidence that Frank Roque, 44, was mentally ill when he fatally shot Indian immigrant Balbir Singh Sodhi, 49, in retaliation for the Sept. 11, 2001, terrorist attacks.

"I was amazed the jury returned death (in Roque's case)," Unklesbay said, especially when jurors cited Roque's endangerment of a landscaper during the murder as the only aggravating factor.

"The jury pool is different in Pima County, as well. Maricopa County is a much more conservative place," Unklesbay said.

Unklesbay and other attorneys said there may be a major difference in perspective between judges and jurors.

"Judges see murder cases all the time. They can compare one case to another. For jurors, it's the worst case they've seen in their lives," he said.

Prosecutors seek death only in the worst slayings.

Despite the early run of death sentences, defense attorney Larry Hammond said he thinks the trend will reverse itself when lawyers learn to try cases differently and jurors become more educated.

Lawyers must convince jurors "this is a life worth saving," he said, by focusing on mitigation evidence from the start because there is no longer a delay between conviction and sentencing.

Hammond said he still trusts the judgment of 12 jurors more than that of a single judge, but he thinks the role of jurors should end when they determine a defendant's eligibility for death.

"I want to have judges as a fail-safe" to impose the final sentence, he said.

The Arizona death sentences contradict the trend in federal courts, where 21 out of the past 22 death penalty cases ended in life sentences. Jurors decide death sentences in federal cases.

Baich said the ultimate test of Arizona's death-sentencing law will occur when a spurt of those cases reaches the Arizona Supreme Court, which will decide if errors occurred. All death sentences are automatically appealed.

"I think the problem in Arizona is there's inadequate funding and a lack of time for lawyers to prepare cases," Baich said. "When some of these cases go to the Supreme Court, the sentences will be reversed and cases will be sent back so it's done right."

## Sentenced to death by juries

Capsules of death penalty defendants sentenced by jurors since November 2002, when the state's new sentencing law was first used in Mohave County. Arizona has 127 inmates on death row. — **Jim Walsh**

### MARICOPA COUNTY

■ **Frank Roque**, 44, sentenced to death in October for killing Balbir Singh Sodhi, 49, a Sikh gas station owner in Mesa shot to death four days after the Sept. 11, 2001, terrorist attacks.

■ **Fabio Gomez**, 35, sentenced to death in June for bludgeoning next-door neighbor Joan Morane, 39, to death, sexually assaulting her and dumping her body into a garbage bin at a Chandler apartment complex on Dec. 2, 1999. He was tied to the crime through DNA evidence.

■ **Albert Carreon**, 41, reputed New Mexican Mafia hit man sentenced to death in April for shooting Armando Hernandez, 33, to death at a Chandler apartment complex on Jan. 23, 2001, and nearly killing Hernandez's girlfriend, who was shot and left for dead. Carreon and Hernandez knew each other in prison. Hernandez's girlfriend testified against Carreon.

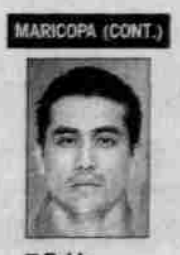
■ **Robert Cromwell**, 37, sentenced to death in March for killing 10-year-old Stephanie Shortt on Oct. 8, 2001, at a Phoenix apartment complex. Stephanie was stabbed 13 times in the back and was raped. Stephanie's mother let Cromwell babysit for her daughter after meeting him a short time earlier. He was tied to the crime through DNA evidence.

■ **Tracy Hampton**, 33, sentenced to death in January 2003 for murdering Moon Valley housemates in 2000, Tanya Ramsdell, 19, her unborn child; and her boyfriend, Charles Findley, 25. Prosecutors described Hampton as a White Supremacist with a long record.

■ **Richard Glassel**, 65, an enraged Peoria homeowner who murdered two women at a Ventana Lakes Homeowners Association meeting on April 19, 2000. Glassel had a dispute with the association over landscaping. Nita Ruth Lynn, 69, and Esther LaPlante, 58, were shot to death and three men were wounded but survived the shooting. Glassel received two death sentences.

■ **Tonatiuh "Tony" Aguilar**, 23, sentenced to death in June for the Sept. 21, 1996, drive-by shooting of Jonathan Bria, 16, during a road rage incident in the 2700 block of West Deer Valley Road. Aguilar left the Valley and was later taken into custody by police in El Paso.

### MARICOPA (CONT.)



■ **Pablo Arciniega Martinez**, 29, sentenced to life in prison without the possibility of parole in August for the September 2000 slaying of Mabel Lopez, 69, a south Phoenix community activist. Lopez was found dead inside her house in the 4800 block of South Sixth Street. She was stabbed 19 times.

### MOHAVE COUNTY

■ **Frank Winfield Anderson**, 55, the first man sentenced to death by an Arizona jury. Sentenced in November 2002 for the 1996 slayings of Golden Valley residents Leta Kagen, Roland Wear and Robert Delahunt. Jurors gave Anderson three death sentences, deeming the killings cruel, heinous and depraved.

■ **Alien Nicklasson**, 31, sentenced to life in prison without the possibility of parole for the 1994 "Good Samaritan" murders of Joe Babcock, 47, and his wife, Charlene, 37, who stopped to help him when the car he was driving broke down outside Kingman. The car belonged to Richard Drummond, 47, a Missouri man who Nicklasson and a co-defendant were convicted of murdering. Nicklasson was sentenced to death in 1996 in Missouri.

### PIMA COUNTY

■ **John Michael Harper**, 21, sentenced to life in prison without the possibility of parole in May for the carjacking murder of University Medical Center nurse Amanda Gerber, 23. Harper and co-defendant Frankie Rodriguez stole Gerber's car on Nov. 27, 2000, and shot her in the desert as she clutched her asthma inhaler.

■ **Frankie Rodriguez**, 21, Harper's co-defendant, sentenced in May to life in prison without the possibility of parole. He also was convicted of the Nov. 12, 2000, carjacking murder of Dana Hall, 21. Gerber and Hall's bodies were dumped about 100 feet apart from each other.

### YAVAPAI COUNTY

■ **Homer Roseberry**, 59, sentenced to death for the slaying of Fred Fottler of San Fernando, Calif., whose body was found on Oct. 20, 2000, in the brush along Arizona 93 near Wikieup, about 120 miles northwest of Phoenix. Roseberry shot Fottler, a fellow marijuana trafficker, to keep his share of the profits.

# Girl Scouts trap, skin beavers

## Animal rights activists decry practice

By Rachel D'Oro
Associated Press

**ANCHORAGE, Alaska** — Let other Girl Scouts make bird feeders out of Clorox bottles and glue together little birch-bark canoes; Troop 34 in Alaska is learning to trap and skin beavers.

In a practice that has angered animal rights activists, the girls are killing the beavers as part of a state flood-management program.

"We think it sends a very, very bad message that when animals cause a problem you kill them," said Stephanie Boyles of People for the Ethical Treatment of Animals. She said the Girl Scouts should want girls to become "stewards of wildlife, not abusers."

Last spring, about 10 members of the Fairbanks troop and their families helped catch two beavers using snare and lethal traps. The girls were taught how to find the animals' dens and how to lay the traps. Working under close supervision, the girls used knives to skin the beavers.

The troop had the pelts tanned and plans to make hats and mittens once a dozen hides are collected. The girls also want to cook beaver meat.

Alaska Girl Scout leaders said they know of no other troop in the country to take part in such a program.

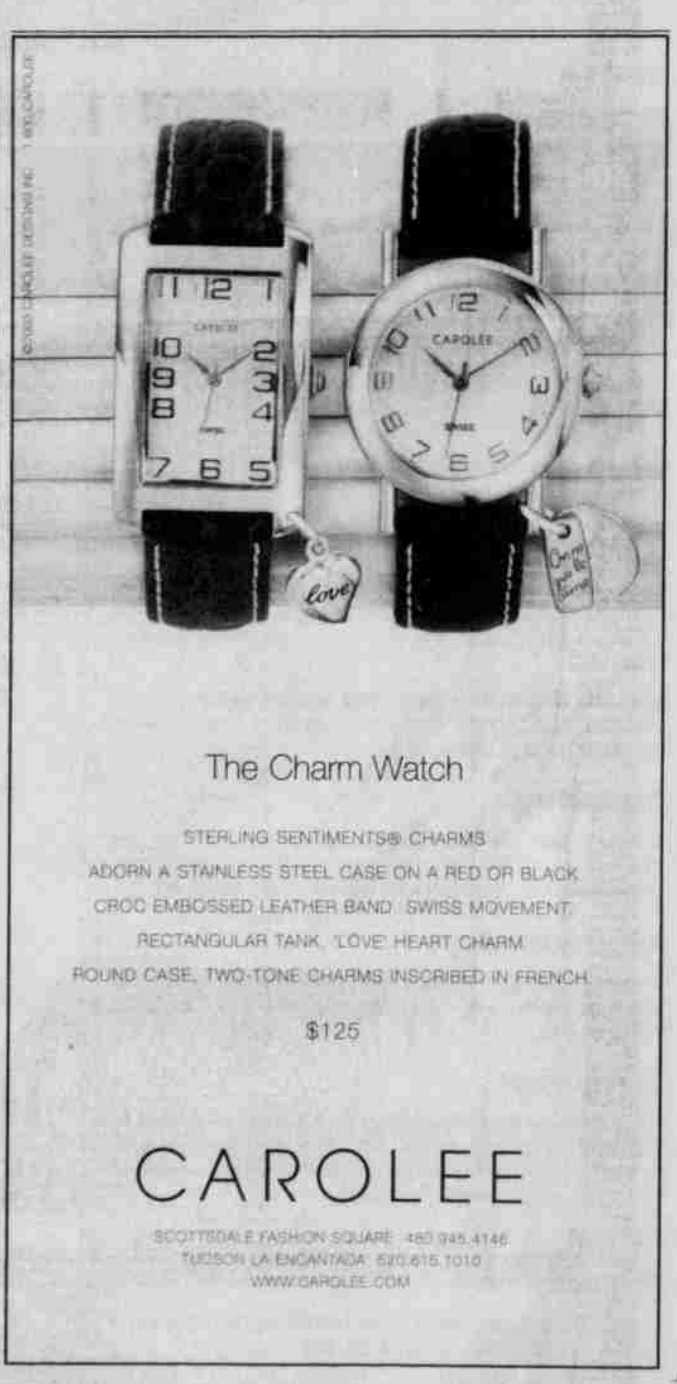
The state-run Take a Kid Trapping program is aimed at controlling flooding and other damage caused by an increasing number of beavers along the lower Chena River in Fairbanks.

Alaska Scout leaders said the program is a "non-issue" in Fairbanks, where trapping has a long history.

Troop 34 leader Dona Boylan said she wanted to impart lessons in responsible game management to Troop 34's members, who are city girls, at least by Alaska's standards. Fairbanks is a city of nearly 30,000.

"Trapping may not be pretty, but the girls understand the seriousness and huge responsibility of taking a life," Boylan said. "They understand that when humans impact their environment, they become ultimately responsible for maintaining a healthy population of the animals they have to coexist with in these urban centers."

"I feel like PETA doesn't have a concept that trapping is considered a heritage here in Alaska," said Mike McDougall, a trapper who worked with the Scouts. "These kids are learning more than just how to take an animal. They're learning about ecology. They also got a definite sense of respect for the animals."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(ISSN 0892-8711) (USPS 030-920)
Published daily by Phoenix Newspapers Inc.
200 E. Van Buren St., Phoenix, AZ 85004
P.O. Box 1950, Phoenix, AZ 85001
Telephone (602) 444-8000

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Vol. 114, No. 178 Wednesday, November 12, 2003

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